

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**DIGBY ADLER GROUP LLC** d/b/a  
**BANDAGO**, a California limited liability  
Company,

Plaintiff,

vs.

**IMAGE RENT A CAR, INC.,** *a New  
York Corporation*, and **VAN RENTAL  
CO., INC.,** a NEW YORK  
corporation,

Defendants.

Case No. 3:10-cv-00617-SC

**DECLARATION OF GAD SEBAG  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS THE  
COMPLAINT OR ALTERNATIVELY  
TRANSFER VENUE TO THE EASTERN  
DISTRICT OF NEW YORK**

I submit this declaration in support of Defendants' "Motion to Dismiss the Complaint or  
Alternatively to Transfer Venue to the Eastern District of New York."

I Gad Sebag am the CEO of Image Rent A Car, Inc., ("Image") and Van Rental Co.,  
("Van").

Image is a New York domestic business corporation organized and existing under the  
laws of New York, incorporated on or about October 29, 2004, with its principal place of  
business at 391 Empire Blvd., Brooklyn, New York.

Image is also a foreign profit corporation authorized to business in the State of New  
Jersey from about June 3, 2009 and Image is a foreign profit corporation authorized to business  
in the State of Florida from about January 11, 2010.

Image's principle business is car and van rentals. Image mainly conducts business in the  
state of New York.

Moreover, Image only has offices in the States of New York and Florida. Image did have  
an office in the State of New Jersey from March of 2009 until January of 2010. However, the  
office was closed in January of 2010.

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2 Image now does business in the State of New Jersey solely by delivering rentals to that  
3 State.

4 Additionally, Image delivers rentals to Connecticut, Pennsylvania, Maryland,  
5 Washington D.C., and Virginia.

6 Image has never conducted business in the state of California. Image has never entered  
7 into a contract with any entity in the State of California. Image has no presence, office,  
8 employees, phone line, bank account or mailing address, in the State of California.

9 The employees of Image's New York offices all reside in New York and mostly in the  
10 Eastern District of New York.

11 The Florida employees have never worked with Van and or bandago.net.

12 Van is a New York domestic business corporation organized and existing under the laws  
13 of New York, incorporated on or about July 19, 2007, with its principal place of business at 391  
14 Empire Blvd., Brooklyn, New York.

15 Van has never conducted business in the state of California. Van has never entered into a  
16 contract with any entity in the State of California. Van has no presence, office, employees, phone  
17 line, bank account or mailing address, in the State of California.

18 Van has no employees and or officers that reside outside of the Eastern District of New  
19 York.

20 Van operated the website Bandago.net. (the "Website") The Website directed viewers to  
21 the website of Image. However, the Website did not direct or encourage residents of the State of  
22 California to do business any business with Van or Image.

23 Moreover, Image did not expect or intend to encourage residents of the state of California  
24 to rent its vehicles from California. Additionally, such an expectation would be fiscally unsound  
25 and logistically impracticable.

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2 Admittedly, the Website directed viewers to the website of Image. However, as discussed  
3 at length above, Image has its principal place of business in the State of New York does business  
4 in New York, Florida and New Jersey, and delivers vehicles to Connecticut, Pennsylvania,  
5 Maryland, Washington D.C., and Virginia. However, Image does not do business in any other  
6 state.

7 Attached to my attorneys Declaration as **Exhibit "1."** is a copy of a page from the  
8 website of Image "imagerentacar.com" which evidences the fact that Image has offices in the  
9 State of New York and Florida and delivers vehicles to New Jersey, Connecticut, Pennsylvania,  
10 Maryland, Washington D.C., and Virginia.

11  
12 Moreover, the above page from the website "imagerentacar.com" is the identical to the  
13 website which viewers were directed to when they went to the Website of Van.

14 Plaintiff's allegation that Defendants rented vans or cars in the State of California or  
15 directed business from residents of California over twenty five hundred miles away is not only  
16 wrong but simply implausible.

17 Finally, Plaintiff alleges to have served Image and Van upon an agent "Connie Grey".  
18 However, Connie Grey is not an agent authorized to accept service on behalf of Image and Van.

19 Moreover, Image and Van never received the Summons and Complaint by personal  
20 service or service upon an agent authorized to accept same and that is one of the reasons that  
21 Defendants were required to submit the prior motions seeking additional time to respond to the  
22 Complaint.  
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2 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
3 May 10, 2010.

4 Dated: Brooklyn, NY  
5 May 10, 2010

Image Rent A Car Inc., and Van Rental Inc.

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7 /s/ Gad Sebag

8 By: Gad Sebag, CEO  
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